

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION

MALCOLM M. FOMBY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	4:05-CV-2305-UWC-PWG
	)	
CHARLES CLIFTON, RAINBOW	)	
CITY POLICE DEPARTMENT, and	)	
RAINBOW CITY, ALABAMA,	)	
	)	
Defendants.	)	

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on August 30, 2006, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b) for failing to state a claim for which relief can be granted. The plaintiff filed objections to the report and recommendation on September 18, 2006.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

Done the 16<sup>th</sup> day of November, 2006.



U.W. Clemon  
Chief United States District Judge